

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO.: 7:07-CV-166-H

LEE LEWIS and JANICE HOSLER  
et al.,

Plaintiffs,

v.

SMITHFIELD PACKING COMPANY,  
INC.,

Defendant.

ORDER

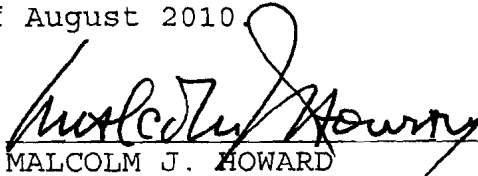
This matter is before the court on the parties' consent motion for summary judgment dismissing the claims of certain opt-in plaintiffs on the ground that the individuals were not employed by defendant [DE #331]. United States Magistrate Judge James E. Gates filed a Memorandum and Recommendation ("M&R") on July 12, 2010, recommending that the parties' consent motion be granted and the claims of the specified opt-in plaintiffs be dismissed. No objections to the M&R have been filed, and the time for doing so has expired. This matter is ripe for adjudication.

Under Rule 72(b) of the Federal Rules of Civil Procedure, a District Judge shall make a de novo determination of any portion of an M&R to which specific written objection has been made.

Fed. R. Civ. P. 72(b); see also Local Civil Rule 72.4(b)(1), E.D.N.C. No objection to the M&R having been filed, the parties have waived their right to de novo review of any issue covered in the M&R. Nevertheless, this court has conducted a full and careful review of the M&R and other documents of record and, having done so, hereby finds that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own. The parties' consent motion for summary judgment dismissing the claims of individuals not employed by defendant [DE #331] is GRANTED and the action is DISMISSED as to those plaintiffs specified in the M&R.

This 25<sup>th</sup> day of August 2010.

  
MALCOLM J. HOWARD  
Senior United States District Judge

At Greenville, NC  
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